II. REMARKS

In response to the Office Action mailed 22 September 2004, the Examiner is requested to reconsider the application in view of the Amendment and following remarks.

In response to the Office Action mailed 22 September 2004, the Examiner is requested to reconsider the application in view of the Amendment and following remarks. Generally, it is believed that the amendment adds no new matter.

Applicant wishes to express appreciation to Examiners Thomas Dixon and Freda Nelson for the helpful interview of 07 July 2005. The present Amendment is in keeping therewith.

I response to the objection to the specification, a marked-up and clean copy of specification pages showing the amendment are being supplied herewith, and entry is of the amendment respectfully requested.

Claim 75 has been amended, and it is believed that the objection is moot.

Claims 41-42 have been amended, and it is believed that the objection is moot.

All claims have been rejected pursuant to 35 USC Secs. 102 and 103. The Examiner contends that the claims are anticipated or obvious (as is more precisely stated in the Office Action) based on Watterson, and as to contended obviousness, further in view of Clem, Mahoney, Peterson, and Netpulse. Though the contentions are respectfully traversed, in accordance with the Interview, the claims have been amended so that the rejections are believed to be moot.

It is respectfully submitted that the Watterson, alone or in combination with the cited art, does not establish lack of novelty nor obviousness. There is no teaching of maintaining said machine-readable instructions as private to the user required in claim 1 and those claims depending therefrom, and there is no teaching of the claimed translating the first set of signals to form machine-readable instructions; and controlling a

second exercise machine with the machine-readable instructions as required in claim 3 and those claims depending therefrom.

Any alteration of Watterson to reach the claimed invention is improper because:

(1) The alteration would render Watterson inoperable for its intended purposes.

(2) The alteration would render Watterson would change the principles of operation of Watterson.

(3) There was no cited motivation or suggestion, as of the filing date of the priority date of the instant application, that would have prompted one skilled in the art to make such an alteration of Watterson.

Accordingly, withdrawal of the rejection and allowance of the claims are respectfully requested.

With regard to each allegation that certain claim requirements were "known" or where notice is otherwise taken, if the contention is maintained, a reference is required along with a proper reason to combine or modify.

As to art made of record but not relied upon, Applicant does not admit or deny that said art is "prior art," but is appreciative of the search, as well as the examination.

Respectfully, the application is believed to be in condition for allowance, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824. If an allowance is not forthcoming, Applicant respectfully requests a personal interview in an effort to advance the case.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed, this shall be

deemed a petition therefore. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

Date: October 20, 2005

Peter K. Trzyna
(Reg. No. 32,601)

P.O. Box 7131
Chicago, IL 60680-7131

(312) 240-0824

Substitute Specification: Marked-Up Pages 2-3

I. Cross Reference to Related Applications

This is a continuation-in-part application which claims priority from, U.S. Patent Application Serial No. ~~09/977,577~~ 09/977,557, filed 10/15/01, U.S. Patent Application Serial No. 09/829,757 filed 4/10/01, which is a continuation-in-part application which claims priority from and incorporates by reference, U.S. Patent Application Serial Number 60/196,498, filed April 12, 2000, now abandoned, all bearing the same title and all incorporated by reference.

II. Technical Field of the Invention

The present invention pertains to an electrical digital computer machine and a data processing system, methods of making and for using the machine, products produced thereby, as well as data structures and articles of manufacture pertaining thereto, as well as all necessary intermediates, all in the field of computerized aspects of machine-based fitness training. More particularly, this invention relates to a digital electrical computer network and methods related thereto for enabling people to program a cardiovascular exercise routine on a personal computer or the like and then have that exercise routine downloaded to a piece of fitness equipment, such as a treadmill. In a more particular embodiment, a virtual private network, or web-based system, makes available a library of preprogrammed exercises, preferably with means for modifying a routine from the library, or for creating a new routine by selecting the type of cardiovascular fitness equipment, the duration of the exercise routine, the number of time intervals, the exercise intensity, and the speed for each interval. Customized routines are stored by the system for future use or reference. Ancillary features for use by a subscriber during a exercise routine are also provided.

III. Background of the Invention

Cardiovascular fitness equipment such as stationary bikes and treadmills, do not allow sufficient customization of the exercise routine by the person training with the equipment. The person exercising is limited to a selection of, say, and just a dozen routines. Some physical fitness experts recommend a particular series of exercise intensity levels for specific time intervals. Physical fitness equipment does not provide an adequate programming interface to customize the exercise routine.

The known interfaces for cardiovascular fitness equipment are cumbersome for inputting data. Usually, the equipment also has a poor input device. Typically a keypad with a few, relatively small buttons is mounted on the cardiovascular a fitness machine. The keypad is difficult to manipulate while exercising. For example, it is necessary to focus one's line of vision to a small keypad and press buttons to adjust the parameters of the exercise routine. If this is done while running on a treadmill, the person may lose their sense of balance or mistakenly enter incorrect values.

Typically, the interfacing of cardiovascular fitness equipment has poor graphical presentation and format. Usually the input screen is constructed of a series of LED lights. The graphical interface is uninteresting and does not offer a visually stimulating experience.

The state of the art, prior to the instant invention, cannot be said to be "user friendly." It is to the contrary—limited and cumbersome. Many people are indeed bored while exercising on physical fitness equipment. Perhaps this leads people to read magazines or watch television while exercising on treadmills and stationary bikes, as contrasted with being inspired or even engaged by the equipment. Or worse, the people do not exercise as much because it is not as much fun as other things.

VIII. Abstract

A method for creating a personalized exercise routine with at least one user interface used in connection with forming machine-readable instructions protected as private to a user subsequently carrying out the exercise routine on an exercise machine, the method including the steps of: providing the user with at least one user interface to define the personalized exercise routine; forming machine-readable instructions to control the exercise machine to carry out the exercise routine on the exercise machine, said machine instructions protected as private to the user; storing the personalized exercise routine formed in the machine-readable instructions in a memory device; and user-triggered engaging of the machine-readable instructions to control the exercise machine in carrying out the personalized exercise routine. In the method, the step of forming machine-readable instructions to control the exercise machine can ~~includes the steps of:~~ include the steps of associating the exercise routine with a first exercise machine to produce a first set of signals; and subsequently translating the first set of signals into the machine-readable instructions.